

**Byers Gill Solar  
EN010139**

# Statement of Common Ground with Bishopton Villages Action Group

Planning Act 2008

APFP Regulation 5(2)(q)

Infrastructure Planning (Applications: Prescribed Forms  
and Procedure) Regulations 2009

Volume 8

January 2025

Revision 2



Table of Contents		Page
<b>1.</b>	<b>Introduction</b>	<b>1</b>
1.1.	Purpose of this document	1
1.2.	Terminology	1
1.3.	Status of this document	1
<b>2.</b>	<b>Current position</b>	<b>2</b>
<b>A.1</b>	<b>Record of Engagement</b>	<b>19</b>
<b>A.2</b>	<b>Signing Sheet</b>	<b>21</b>
<b>A.3</b>	<b>Applicant’s Priority Areas (SoCG matter BVAG1)</b>	<b>22</b>
<b>A.4</b>	<b>BVAG Priority Areas (SoCG matter BVAG1)</b>	<b>23</b>

**Table of Tables**

Table 1 Current position of matters relevant to the parties’ discussions	2
--	---

# 1. Introduction

## 1.1. Purpose of this document

- 1.1.1. This Statement of Common Ground (SoCG) has been prepared to support the Examination of the Development Consent Order (DCO) application for Byers Gill Solar (the Proposed Development).
- 1.1.2. This SOCG has been prepared jointly by **RWE (the Applicant)** and the **Bishopton Villages Action Group (BVAG)** in order to clearly identify the current position of the respective parties on specific matters that are, or have been, under discussion. It seeks to confirm to the Examining Authority (ExA) where there are points of agreement between the parties and where agreement has not been reached to date. It therefore aids the ExA in identifying any specific issues that may need to be addressed during the Examination and provides a structure to any further discussions for the parties engaged in the SoCG.
- 1.1.3. This document has been prepared following discussions held at the Preliminary Meeting on 23 July 2024, between both parties and the ExA, in which it was confirmed that BVAG would enter into an SoCG with the Applicant.

## 1.2. Terminology

- 1.2.1. Section 2 of this document sets out the relevant matters raised through discussion between the parties. It provides a summary of the position of each party and identifies the status of discussions on each matter:
- “Agreed” means that a matter has been resolved between the parties and is not anticipated to be subject to further discussion;
  - “Under discussion” means that a matter remains in active dialogue between the parties and a final position has not been reached;
  - “Not agreed” means that the parties have established a final position that they cannot resolve the matter and will remain a point of difference.
- 1.2.2. In accordance with the request from the ExA in the Rule 6 Letter [PD-003], a **Low**, **Medium** and **High** ‘traffic light’ system is applied to each matter to indicate the likelihood of their resolution during the Examination period.

## 1.3. Status of this document

- 1.3.1. This document is final and signed.

## 2. Current position

- 2.1.1. The table below provides a summary of the current position of the Applicant and BVAG in relation to specific matters that have been under discussion to date.
- 2.1.2. Where a matter is not represented in the table, it should be assumed that it is either: (i) agreed between the parties and has never required detailed discussion; or, (ii) not relevant to the discussion between the parties.
- 2.1.3. Appendix A of this document provides a record of engagement undertaken between the parties in relation to the Proposed Development. This is limited to engagement which is materially relevant to the contents of this SoCG and does not seek to include every correspondence between the parties (e.g. that which was primarily administrative).

**Table 1 Current position of matters relevant to the parties' discussions**

Row ID	Topic	BVAG Position	Applicant Position	Status
BVAG1	Design	<p>In the event that DCO consented is granted BVAG has identified a number of priority areas which it considers should be amended in the project design in order to reduce impacts on the local community. BVAG recognises that the Applicant would only consider revisions to the design that includes removal of panels in a scenario that post-consent, there have been advancements in solar technology that enable such consideration at detailed design. BVAG considers in addition of technological advancement alternatives should be sought to implement panel modifications. Further that a baseline for technological advancement should be provided. This is set out in section 8.4 of the revised Design Approach Document [REP5-024].</p> <p>The preferred priority areas of BVAG are included in Appendix A.3, and it is acknowledged that following ISH8 on 14 January 2025, RWEE are appending these drawings</p>	<p>At a meeting on 10 October, the Applicant presented potential locations for rationalisation of the design should advances in technology allow for this. These locations are provided at Appendix A.4. It is accepted that these differ from those of BVAG provided at Appendix A.3. The Applicant has committed to review this post-consent should technology advances enable such a review, as set out in section 8.4 of the revised Design Approach Document [REP5-024]. The drawings provided by BVAG, show in Appendix A.3, will also be provided as part of an updated Design Approach Document to be submitted by the Applicant at Deadline 9 (Document Reference 7.2, Revision 4).</p> <p>Following ISH8, the Applicant has discussed Requirement 3 and the provisions of the Design Approach Document with DBC and has agreed an approach to any potential reduction of panel areas. This would prioritise moving panels away from Great Stainton and Bishopton village boundaries and any</p>	Not Agreed

Row ID	Topic	BVAG Position	Applicant Position	Status
		<p>to the Design Approach Document to be submitted at Deadline 9.</p> <p>BVAG require assurances on the mechanisms for enforceability of proposed modifications of Panels by DBC at detailed design stage.</p> <p>Any proposed panel modifications are to be distributed on an equitable basis, and agreed by the community at that time.</p>	<p>available area for reduction would be distributed proportionately between the villages and the panels moved back where possible from the village boundaries. This is subject to design constraints related to the electrical requirements of panel areas, and any changes will take into account the illustrative suggestions from the local community appended to the DAD.</p>	
BVAG2	Principle of Development	<p>BVAG opposes the Proposed Development and consider that it is not an acceptable proposal. It is considered that the considerable adverse impacts are not outweighed by the benefits that the Applicant describes.</p>	<p>The Applicant acknowledges the opposition of BVAG to the Proposed Development. The Planning Statement [APP-163], which has been submitted as part of the DCO Application, sets out the need for the Proposed Development, and how it is in accordance with national and local planning policy.</p>	Not agreed
BVAG3	Policy Compliance	<p>The proposal is not policy compliant and fails to support the overarching UN and UK SDGs which underpin UK planning system. Food security policy should be considered alongside the SDGs.</p> <p>The Applicant relies on Darlington Borough Council (DBC)'s declaration of climate emergency in its justification of the proposal. BVAG highlights that it is important not to confuse such declarations with statutory planning policy.</p> <p>BVAG would reiterate that the NPPF also applies and underpins Government Planning's role in achieving Sustainable Development.</p> <p>RWE accepted BVAG proposal to include UN SDG's as Principal Issues at Prelim Hearing.</p>	<p>The Planning Statement [APP-163], which has been submitted as part of the DCO Application, sets out the need for the Proposed Development, and how it is in accordance with national and local planning policy. This confirms that the primary policy relevant to the determination of the Proposed Development is the National Policy Statements (NPSs) for Energy. The declaration of a climate emergency by host local authorities is identified in Chapter 3 of the Planning Statement [APP-163] as part of the overall needs case for the Proposed Development, but it is not treated as statutory planning policy.</p>	Not agreed
BVAG4	Alternatives	<p>The Tees Valley Combined Authority (TVCA) focuses on rooftop solar and hydrogen as most suitable routes</p>	<p>As the cheapest form of energy, as well as being clean renewable energy, a fivefold increase in solar capacity is anticipated by 2050 in the Government's Energy</p>	Not agreed

Row ID	Topic	BVAG Position	Applicant Position	Status
		<p>to Net Zero for the Tees Valley. BVAG considers that the focus should therefore be on brownfield sites and roof top solutions, whilst protecting, enhancing and preserving the regions natural assets. The Proposed Development is considered to be at odds with this approach.</p> <p>The number of large scale solar power developments is already way in excess of the amount required to fulfil the governments targets of achieving net zero.</p>	<p>Security Strategy 2022. This cannot be achieved through rooftop and brownfield solar installations alone, as they have considerable practical barriers of their own. Many domestic and industrial buildings either do not have roofs made of suitable material to support a solar system, do not have the infrastructure to export electricity to the grid, or simply present as an unaffordable solution, with initial costs of installation too high for some. The Planning Statement [APP-163], which has been submitted as part of the DCO Application, sets out the need for the Proposed Development, and how it is in accordance with national and local planning policy.</p>	
BVAG5	Alternatives	<p>The Environmental Statement has not demonstrated that the Applicant has studied reasonable alternatives before determining the chosen options for specific reasons and taking into account the effects of the options on the environment. This includes considering factors such as development design, technology, location, size, and scale. This failure to adequately justify the scheme against alternatives is contrary to the requirements of the EIA Directive (Regulation 14 and Schedule 4).</p> <p>Numerous brownfield sites are available for example the Teesworks site with ample facilities and grid connection for large scale solar with zero impact on residential or visual amenity due to it being an existing industrial site located away from residential areas and having zero impact on productive arable land. Alternatives to the initial Search Corridor should be explained (Ref ES Non-Technical Summary Para. 3.1.1).</p>	<p>The Applicant has set out in ES Chapter 3 Alternatives and Design Iteration [APP-026] a description of the reasonable alternatives it has studied in the siting and design of the Proposed Development and provided an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment. Paragraphs 5.2.18 to 5.2.27 of the Planning Statement [APP-163] supplement the description and explain how the Applicant's consideration of alternatives is compliant with the NPS. The DCO Application is in compliance with the relevant EIA regulations and policy.</p>	Not agreed

Row ID	Topic	BVAG Position	Applicant Position	Status
BVAG6	Health and Well-being	The application has failed to understand the perception and experience of the local community, and the major adverse impact on the health and well-being of the affected communities represented. The proposals will have a significant adverse impact upon public health and individual health and well-being of the local residents through imposing an industrial landscape onto a rural area.	The Applicant acknowledges the concern raised. As reported in ES Chapter 4 Approach to EIA [APP-027] a standalone chapter assessing effects of the Proposed Development on human health was scoped out of the ES, as it is anticipated that there would be limited impacts on human health during the construction and operation of the Proposed Development. Aspects of human health are considered in the ES within the context of other topics, namely: Landscape and Visual (Document Reference 6.2.7) and Land Use and Socioeconomics (Document Reference 6.2.9). Management plans are included in the DCO application which secure the implementation of measures during construction, operation and decommissioning which would seek to avoid or reduce risks relating to human health. These plans are secured via requirements of the draft DCO [APP-012].	Not agreed
BVAG7	Description of Development	<p>The Applicant has failed to provide sufficient information in regard to the details of the many different components of the energy infrastructure - referring sometimes to 'typical' images, and an absence of dimensions, materials, colours etc. This cannot provide an accurate picture of the impact upon people and the environment.</p> <p>There are numerous omissions within the developers documentation the developer has also admitted on numerous occasions that the final engineering detail of the development will not be provided until after consent has been given due to the costs of providing this detail with an unknown consent agreement status. However this detail is critical to understand the impact of the development. For example final dimensions of the substation are still being debated. The final details of BESS unit manufacturer and specifications of fire protection</p>	The Applicant has provided indicative images to aid understanding of the proposals. The detailed design is secured via Requirement 3 of the draft DCO [APP-012] which requires that details are submitted and approved by the local planning authority prior to commencement of construction of the Proposed Development. These details must accord with defined parameters in the DCO, including the Environmental Masterplan [APP-011] and the Design Approach Document [AS-004]. The assessment of the likely effects of the Proposed Development, as set out in the ES, are based on defined parameters and a 'worst case scenario' to ensure an accurate assessment where final details are not yet fixed. This is reported in ES Chapter 4 Approach to EIA [APP-027] and is in line with PINS Advice Note 9.	Not agreed

Row ID	Topic	BVAG Position	Applicant Position	Status
		systems are not provided. There is no mention of diesel generator back up for BESS units in the event of Emergency shutdown situations	The dimensions of the on-site substation are stated in paragraph 2.3.30 ES Chapter 2 Project Description [APP-025]. The Outline Battery Safety Management Plan [APP-117] states the safety and control measures that must be part of the BESS when procured. There are no proposals for diesel generators on site.	
BVAG8	Landscape assessment	See separate Landscape SoCG between both parties (Document Reference 8.4.13).		
BVAG9	Landscape – proposed mitigation	See separate Landscape SoCG between both parties (Document Reference 8.4.13).		
BVAG10	Heritage	The proposed development will have significant detrimental impact upon heritage assets including Bishopton Scheduled Monument Motte and Bailey, as well as Bishopton Village Conservation Area and associated Listed Buildings. Concerns that the proposed 44km of underground cables, and installation of solar arrays will cause permanent loss or damage to archaeological assets, especially those around the Motte and Bailey. BVAG contend these have not been accurately assessed nor potential harm mitigated.	ES Chapter 8 Cultural Heritage and Archaeology [APP-031] identifies that heritage assets in the vicinity of the Order Limits include Bishopton Conservation Village, a number of listed buildings, Bishopton Landing Ground (a World War One airfield), areas of known archaeological remains, and a motte and bailey castle. It concludes that there would be no significant effects to cultural heritage, including designated heritage assets, as a result of the Proposed Development. Historic England, the statutory advisor for heritage impacts, has confirmed its agreement with the conclusion of no significant effects in its Relevant Representation [RR-207].	Not agreed
BVAG11	Decommissioning - Heritage	Decommissioning has not been addressed in any meaningful way, and creates many risks to irreplaceable heritage assets, amongst other impacts.  There are no included decommissioning costs shown in the project documentation.	An Outline Decommissioning Environmental Management Plan (DEMP) (Document Reference 6.4.2.7) has been prepared in support of the DCO Application, which sets out the general principles to be followed in the decommissioning of the Proposed Development. Under Requirement 5 of the draft DCO [APP-012] further detailed plans would be required prior to commencing any decommissioning	Not agreed

Row ID	Topic	BVAG Position	Applicant Position	Status
			and would require approval from the local planning authority.	
BVAG12	Heritage / Flood Risk	<p>The use of above ground mounting pads (or foundations) to reduce archaeological harm is unspecified and needs to be balanced against associated flood risk from ground and surface runoff.</p> <p>Again RWE have mentioned on numerous occasions that the full engineering scope for the flood risk prevention will not be completed until after consent decision has been made due to the cost of these engineering designs. BVAG has detailed local knowledge and experience of the regular flooding in various sites throughout the development. Photographic evidence of these floods which occur regularly has been provided in the written responses to the open hearing questions.</p>	In certain locations across the Proposed Development, archaeology constraints have been identified and therefore alternative mounting structures have been proposed in the form of ballast slabs which sit on the surface rather than penetrating the ground. These areas include fields B06, B08, B09, B10, C01 and a portion of fields A04, A05, F02 and are depicted in ES Figure 8.4 Areas of Known and Potential Archaeology [APP-078] Phase 2 archaeological surveys are to be conducted post consent to determine whether these foundations are required for any other field. ES Appendix Flood Risk Assessment and Drainage Strategy [AS-001] identifies that this would have a negligible effect on flood risk. This has been discussed and agreed with the Lead Local Flood Authority (LLFA).	Not agreed
BVAG13	Landscape and Ecological Management Plan (LEMP)	<p>The Applicant's LEMP fails to acknowledge that measures for visual screening will take many years to come to fruition.</p> <p>BVAG does not agree that all plants would be mature at 15 years from start of operation.</p> <p>Concerns of ecological management and supervision not being independent. Prefer full engagement of local wildlife organisations and DBC.</p>	The LEMP sets out how the proposed landscape and ecology measures would be implemented and maintained in operation. As set out in ES Chapter 4 Approach to EIA [APP-027], the assessment of effects has, where relevant, considered the time taken for proposed mitigation to mature (future year scenario, or 15 years from operation). This includes in the assessment reported in ES Chapter 7 Landscape and Visual [APP-030].	Not agreed
BVAG14	Solar Crime	<p>Concerned that the proposal will attract solar crime which in turn is known to increase the level of crime in the surrounding area.</p> <p>The design fencing is minimal and would not provide sufficient deterrent for solar crime. This has been found</p>	The Proposed Development would include security measures such as CCTV to be installed along the security fencing associated with the onsite substation and energy storage system. Incidences of crime, should they occur, would be reported to the local police force. The local police and crime	Not agreed

Row ID	Topic	BVAG Position	Applicant Position	Status
		on numerous solar developments across the country. The fencing could easily be demolished with a pickup truck in order to gain access. This already occurs regularly across the sites where poaching is common. Appropriate security fencing if used would massively increase costs and the visual impact from the development. BVAG concerned about growing solar crime and upgrade in solar protective infrastructure. Request that specialist Designing Out Crime Officers (DOCOs) of local Police force be consulted.	commissioner was consulted on the proposals as a prescribed consultee, during the 2023 statutory consultation, with no response received.	
BVAG15	Biodiversity	<p>BVAG have substantial concern about the potential detrimental impact upon ecological assets and biodiversity. There has been insufficient adherence to the Mitigation Hierarchy. BVAG challenge the conclusion that wildlife habitats are 'species poor' which indicates that the ecological assessments require further work from independent experts and sources.</p> <p>Prelim meeting raised concerns of Curlews as Red List species. Other red list species include Lapwings and Otter not covered in RWE environmental report.</p>	<p>The assessment and the design of the Proposed Development has been informed by desk-based data analysis and site surveys, including:</p> <ul style="list-style-type: none"> <li>• a UK habitat survey (ES Appendix 6.1/Figure 6.1 – APP-062 and APP-26 respectively)</li> <li>• wintering bird surveys (ES Appendix 6.2, APP-127)</li> <li>• breeding bird surveys (ES Appendix 6.3, APP--128) and;</li> <li>• bat surveys (ES Appendix 6.4, APP-129).</li> </ul> <p>The assessment reported in ES Chapter 6 Biodiversity [APP-029] has been carried out in consultation with relevant statutory bodies, best practice guidance and policy. Natural England as the statutory nature conservation adviser has expressed no concern regarding the DCO application and its assessment [RR-373].</p> <p>Lapwing have been specifically considered within ES Chapter 6 [APP-019], and the Proposed Development includes eight biodiversity areas for ground nesting birds such as lapwing, as well as wider habitat creation measures to hedgerows and wildflower meadows. Otters are also specifically</p>	Not agreed

Row ID	Topic	BVAG Position	Applicant Position	Status
			considered in ES Chapter 6 [APP-019], with buffers proposed between the Proposed Development and watercourses to prevent disturbance, as well as protection measures during construction as secured in the CEMP [APP-110].	
BVAG16	Biodiversity	BVAG challenge the conclusion that constructing an industrial complex across 490 hectares of countryside would be largely 'negligible' and request that RWE justify their conclusions and mitigation measures in respect of ground nesting birds given reported problems with these species within solar arrays.	ES Chapter 6 Biodiversity [APP-029] concludes that there would be no significant effects arising from the Proposed Development. The assessment reported in ES Chapter 6 Biodiversity [APP-029] has been carried out in consultation with relevant statutory bodies, best practice guidance and policy. Natural England as the statutory nature conservation adviser has expressed no concern regarding the DCO application and its assessment [RR-373].	Not agreed
BVAG17	Biodiversity	The assessment relies heavily on the CEMP, DEMP and LEMP, however all these documents are also lacking sufficient details to assess the delivery of their objectives. The oLEMP does not demonstrate how the scheme will deliver adequate biodiversity mitigation / compensation and deliver BNG. Monitoring proposals seem inappropriate given the 40-year operational plans.	The CEMP, DEMP and LEMP are all provided in outline at the DCO application stage to secure in principle the measures to be implemented in the construction, operation and decommissioning of the Proposed Development. The production of further detailed plans is secured via the draft DCO [APP-012] and would require approval by the local planning authority.	Not agreed
BVAG1	Biodiversity	A Defra Metric has been applied for the BNG Report. The Government intend for BNG to apply to NSIPs from November 2025, and will publish new NSIP guidance in September 2024. BVAG would expect RWE to apply the latest guidance and Natural England Metric.	BNG is not yet mandatory for NSIPs, however the Proposed Development would secure a BNG that greatly exceeds the expected requirement of 10% BNG. The Proposed Development would deliver of 88% across all biodiversity unit types and 108% net gain in hedgerow units. The BNG calculations reported in ES Appendix 6.6 [APP-131] has used the latest metric and Natural England has confirmed it is satisfied with the provision of BNG through the Proposed Development [RR-373].	Not agreed

Row ID	Topic	BVAG Position	Applicant Position	Status
BVAG19	Biodiversity	<p>There is no clarity regarding the fate of the compensatory and BNG habitats post decommissioning. This needs to be fully considered as part of determination. BVAG are concerned of extended project, or land being returned damaged.</p> <p>BVAG request RWE to explain if BNG is considered permanent or only for the 40 year operational period.</p>	Following decommissioning, the land comprising the Proposed Development would be returned to the land owner from which it was leased temporarily by RWE. Any future development proposals by the landowner would be subject to the relevant policies and legislation at that time regarding biodiversity.	Not agreed
BVAG20	Flood Risk	<p>The applicant has not properly understood or presented flood risk across the application site. Local knowledge suggests that the proposal has significantly underrated the extent to which the site and surrounding areas are prone to flooding.</p> <p>BVAG opinion is that the RWE discussions with the EA should be formally include BVAG's own Flood Report based on local knowledge and experience.</p> <p>BVAG believe that the proposals will exacerbate flooding around Bishopton. Properties along Mill Lane access/egress will be completely cut off - this would prevent emergency services gaining access to Downland Farm, West House, Glebe Farm, Bishopton Mill, etc.</p>	ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy [AS-001] is provided with the DCO application. It concludes that the Proposed Development will be safe for its lifetime and will not impact flood risk on site or off site. The assessment and drainage strategy, including the baseline informing it, has been discussed with the EA and LLFA. The Applicant has reviewed the information provided by BVAG relating to flooding, and in response to concerns raised by residents of Bishopton, has included additional commitments in the Design Approach Document for the provision of enhancements to help manage existing surface water run-off problems at Mill Lane and the junction of Folly Bank [REP5-024]. The Applicant and the EA are also now agreed on all points relating to the flood risk assessment as submitted in the SOCG provided at Deadline 6 [REP6-025].	Not agreed
BVAG21	RWE website	<p>An RWE online map of their UK projects includes Byers Gill and suggests it already has planning permission which undermines the forthcoming examination.</p> <p>RWE website continues to undermine public confidence in the NSIP process and states that RWE solar projects shown on the map have "the necessary planning approvals from the relevant authorities already in place.</p>	The graphic in question ( <a href="https://uk.rwe.com/our-energy/solar-power/">https://uk.rwe.com/our-energy/solar-power/</a> ) is a general overview of all solar projects in development by RWE. It states the anticipated commercial operation dates ("2026+" for Byers Gill) and does not reference planning status. A majority of the other projects shown do not have planning permission, and it is not the purpose of the graphic to comment on planning	Agreed

Row ID	Topic	BVAG Position	Applicant Position	Status
		Byers Gill Solar is shown as 'operational date: 2026, not 'anticipated'.	status. The wording of the webpage has been raised with the relevant department in RWE to review.	
BVAG22	Noise & Vibration	<p>Consider that potentially sensitive receptors of noise have been underestimated in terms of potential impacts. Details of noise generating infrastructure needs to be clarified in order to assess noise impacts.</p> <p>Low frequency noise from any of the proposed fixed plant is an issue that needs to be considered and technical evidence provided if predictions show negligible adverse impact. BVAG want to ensure that it can be demonstrated that estimates of impacts have not been underestimated when final plant types have been chosen.</p>	<p>ES Chapter 11 Noise and Vibration [APP-034] provides an assessment of potential noise effects of the Proposed Development. The noise from the Proposed Development has been modelled using noise software which takes into account, noise sources levels, frequencies, land topography and ground absorption and all other known contributing factors which affect how noise travels. The assessment has therefore been undertaken as accurately as possible and with regard to relevant guidance.</p> <p>As set out in ES Chapter 11 Noise and Vibration [APP-034], assumptions to create a worst-case scenario have informed the assessment, which has been carried out using noise specifications for types of equipment detailed in ES Appendix 11.3 [APP-156]. This has assumed a 100% operational capacity for all equipment, and is therefore a conservative estimate. The methodology for the assessment reported in ES Chapter 11 was carried out in consultation and agreement with the relevant environmental health officers at Darlington Borough Council and Stockton Borough Council.</p>	Not agreed
BVAG23	Noise & Vibration	Request an independent assessment to ensure that baseline noise data and the issue of lower frequency impacts are properly characterised.	The assessment reported in ES Chapter 11 Noise and Vibration [APP-034] has been carried out by competent experts and in accordance with relevant guidance and best practice.	Not agreed
BVAG24	Noise & Vibration	The application is not considered to be sufficient at this time, to provide confidence that the provision and distribution of transformers across on this site will not have a cumulative effect on low frequency noise levels in	The Applicant acknowledges the view of BVAG, however it is considered that the assessment reported in ES Chapter 11 Noise and Vibration [APP-034] is sufficient. The noise assessment does	Not agreed

Row ID	Topic	BVAG Position	Applicant Position	Status
		the vicinity of the Bishopton and other villages in close proximity to the electrical installations and infrastructure.	take into account cumulative noise from inverters, by modelling the Proposed Development's layout, proposed equipment noise levels and traffic data (operational phase) to predict noise levels at receptors. Full details of the noise model and set up are included within ES Appendix 11.3 Details of Noise Model [APP-156].	
BVAG25	Noise & Vibration - Surveys	Bishopton is extremely quiet during still evenings. Noise may significantly affect the residential amenity and rural character. Background noise surveys must reflect this to ensure an accurate noise assessment. BVAG requires this to be examined.	As reported in ES Chapter 11 Noise and Vibration [APP-034], baseline noise surveys were undertaken, the locations of which are depicted in ES Figure 11.2 [APP-092].	Not agreed
BVAG26	Noise & Vibration - Construction Vibration	<p>The application does not contain details that provide suitable reassurance that the activity of extensive and widespread piling will not cause a high degree of significant adverse impact. BVAG would want this issue explored further and for the applicant to explain how this is possible to avoid, if at all. We would look for the Council to examine the CEMP, in liaison with BVAG, in preparing their LIR.</p> <p>BVAG consider the assessment of effects are focussed on a small number of receptors, and temporary in nature, and RWE offer inadequate or no form of mitigation.</p>	<p>The assessment reported in ES Chapter 11 Noise and Vibration [APP-034] identifies that the main sources of noise would be construction activities and related traffic during the construction and decommissioning phases, and road traffic and supporting infrastructure (such as BESS, inverters, the on-site substation) during the operational phase. It concludes a significant adverse effect would arise during construction and decommissioning activities, however this would be short-term and reversible. No significant effects are identified during the operation of the Proposed Development.</p> <p>ES Chapter 11 Noise and Vibration [APP-034] also assesses the impact of the Proposed Development with regard to vibration. It concludes that no significant effects are expected to arise in relation to vibration during construction. Piling is therefore not anticipated to have any effects on properties in the vicinity of the proposed development in regard to vibration.</p>	Not agreed

Row ID	Topic	BVAG Position	Applicant Position	Status
			In response to comments raised early in Examination, including on livery businesses [REP2-059, RR-209, RR-533], the Applicant has undertaken further construction noise modelling. This is presented in the ES Chapter 11 Noise and Vibration Addendum – Construction Noise [REP4-012]. It presents a more granular assessment of the potential construction noise at the various sensitive receptors than that presented in the ES Chapter [APP-034] and demonstrates that the significant construction effects reported within the original ES Chapter [APP-034] would likely be focussed on a small number of receptors and on cabling works in the majority of cases. The effects would be felt for less than one month and would be temporary in nature.	
BVAG27	Agriculture & Food	<p>BVAG consider that much of the land is valuable and irreplaceable farmland. BVAG draw attention to Govt policy on food security and the sustainability of taking high quality land out of food production in the UK to replace with imported food from elsewhere. The applicant has shown a disregard for carbon accounting beyond the Order Limits.</p> <p>BVAG note that farmers at Prelim gave evidence that the land is higher quality and higher yields than stated. BVAG request independent ALC Report reviews. It is noted RWE actively seeks BMV land in its call for sites. (BMV = 3a).</p>	ES Appendix 9.1 Agricultural Land Classifications and Soil Resources [APP-150] provides a summary of the Agricultural Land Classification for each parcel of land which is to be used by the Proposed Development. It confirms that only 6.1% of the total site area includes land considered Best and Most Versatile (BMV), which is Grade 3a and above. Natural England has confirmed in its Relevant Representation [RR-373, Key Issue NE6] that it is satisfied that the Proposed Development is 'unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations.'	Not agreed
BVAG28	Economic benefit	BVAG are concerned that the local economic benefits would be low, and the stated benefits would not be realised. Local employment schemes / contractors should be given priority.	ES Chapter 9 Land Use and Socioeconomics [APP-032] considers opportunities for local supply chains during construction, for example ground works and the supply of materials are likely to be sourced locally. The assessment concludes that there would be a beneficial (not significant) effect arising from the	Not agreed

Row ID	Topic	BVAG Position	Applicant Position	Status
		<p>BVAG would request RWE provide examples of likely local suppliers of key infrastructure such as Solar PV, Steel Mountings, Inverters and BESS units as well as local workers for site preps and quantities needed for the proposal. Please also define Local.</p> <p>BVAG note significant import of construction materials for panels, supports, BESS etc from China, and employment sourced widely.</p>	<p>Proposed Development in relation to employment and supply chain opportunities. ES Chapter 9 Land Use and Socioeconomics [APP-032] identifies the legacy benefits of the Proposed Development such as the provision of a £1.5m Community Benefit Fund over the life of the project (albeit the availability of that fund is not considered to be a relevant matter to the Secretary of State's decision on the DCO application).</p>	
BVAG29	Traffic & Transport	<p>BVAG consider that the influx and outflow of significant numbers of construction workers and HGV traffic will have a substantial impact on the road networks around the district, particularly at peak times.</p> <p>Confirm if worst case scenario of 100 workers per panel area (= 600 Ref: Document 6.1.1 Para. 2.5.4 ) for Stage 3 Construction relates to '45 staff trips per day'. Roads and unmarked farm tracks severely constrained.</p>	<p>ES Appendix 12.1 Transport Statement (Document Reference 6.4.12.1) identifies that staff trips will be mainly made by minibuses, while deliveries of construction materials and plant will mainly be made by HGVs. During the construction phase, it is expected that there would be approximately 45 staff trips per day made by minibuses and an average of 6 HGV deliveries per Panel Area (12 movements). The assessment reported in ES Chapter 12 Traffic and Transport [APP-035] concludes that there would be no significant effects arising from the Proposed Development in relation to traffic and transport. As set out in the Transport Statement, the worst case scenario is based on a maximum of any three Panel Areas being constructed at any given time, and assumes that construction workers would be transported to site via minibuses or large cars of 7 staff per vehicle. This is set out in further detail in section 3.5 of the Transport Statement [REP2-004].</p>	Not agreed
BVAG30	Traffic & Transport	<p>The Applicant has seriously underestimated the ability of existing roads to provide adequate and safe public highway access to the proposed scheme. Roads are in poor condition (e.g. Lime Lane and Lodge Lane) Increases in HGVs will further deteriorate the traffic</p>	<p>Whilst the Applicant acknowledges concerns raised regarding existing road conditions, the condition of the local highway network is not a matter within the control of the Applicant and is the responsibility of the relevant highways authority where relating to</p>	Not agreed

Row ID	Topic	BVAG Position	Applicant Position	Status
		<p>conditions and increase potential for serious accidents and delays.</p> <p>BVAG consider that offer of road repairs by RWE is not sufficient to address major highways and traffic concerns.</p>	<p>adopted roads. The Applicant has prepared an Outline Construction Traffic Management Plan (CTMP) (Document Reference 6.4.2.8) which outlines how the construction of the Proposed Development on the environment, local road network and local communities will be managed. The Applicant is of the view that the existing network is able to safely accommodate traffic associated with the Proposed Development. The Applicant updated the outline CTMP at Deadline 5 [REP5-016] to include a commitment to undertake pre-commencement condition surveys and carry out regular inspections of the HGV routes to the site, with a commitment to advise Darlington Borough Council (DBC) of any deterioration of the HGV routes attributable to the actions of the undertaker, and to resolve any damage either through payment of reasonable and proportionate compensation, or through acting as DBC's agent to rectify the highway directly.</p>	
BVAG31	Traffic & Transport	BVAG has concerns that construction traffic cannot use Mill Lane without severe disruption and danger to existing users.	ES Figure 12.1 [APP-099] shows the routing and access points during construction for each panel area. Mill Lane will not be used for access during construction, with the route to Area F coming via roads north of Bishopton.	Agreed
BVAG32	Glint & Glare	BVAG would recommend that all relevant parties are consulted in respect of the risks associated with glint and glare. This should include (but not be restricted to) the effects on aircraft, highways, railways, footpath users and recreational users of land and those premises identified as likely to be affected.	ES Appendix 2.2. Solar Photovoltaic Glint and Glare Study [APP-106] is submitted with the DCO Application. Glint and glare modelling has been undertaken at several points in the design process such that the findings of the assessment have informed the design of the Proposed Development, including measures such as screening. This includes consultation on an initial assessment as part of the statutory consultation in 2023.	Not agreed

Row ID	Topic	BVAG Position	Applicant Position	Status
BVAG33	Climate	<p>The absence of life cycle analysis (LCA) applied to the vast scale of the proposed energy generating infrastructure and the absence of assessment of scope 1, 2 and 3 emissions fall below best practice standards. The wider, off-site environmental impacts are relevant to weigh up the benefits and downsides of this proposal in relation to climate change and sustainability.</p> <p>Life Cycle analysis proposed as a Principal Issue by BVAG in response to ExA Rule 6 letter. RWE accepted this at Prelim Hearing.</p> <p>BVAG shall submit further for Deadline 8.</p>	ES Chapter 4 Approach to EIA [APP-027] sets out that the EIA has considered construction, operation and decommissioning effects of the Proposed Development. ES Chapter 5 Climate Change [APP-028] provides an assessment of the effects of the Proposed Development in relation to greenhouse gas emissions and resilience to climate change. It has been carried out in accordance with relevant policy and guidance, and is considered to be appropriate to support the DCO application.	Not agreed
BVAG34	Cumulative effects	<p>Given the large number of solar developments already agreed at LA level a specific topic is required to consider the cumulative effects of this development in conjunction with the numerous others detailed here. Consideration should also be given to other significant developments close to Byers Gil which do not feature in their cumulative assessment document</p> <p>The consideration of cumulative effect needs to be added to the SOCG. There are agreed plans for the following Solar developments in close proximity to Byers Gill.</p> <ol style="list-style-type: none"> <li>1. California Farm solar power 49.9MW</li> <li>2. Longpasture Solar power 49.9 MW</li> <li>3. Thorpe Bank Solar Power</li> <li>4. Middlefield Farm Solar Power 49.9MW</li> <li>5. Cowley Complex Solar Combines 3 &amp; 4 to produce a further 150MW site with grid connection at Norton Substation.</li> <li>6. Gately Moor Solar Power 49.9MW.</li> </ol>	<p>Cumulative effects of the Proposed Development with other committed developments have been assessed using the methodology set out in Environmental Statement Chapter 13 Cumulative Effects [APP-036]. A long list [APP-161] and short list [APP-162] of committed developments have been identified to feed into this assessment and their cumulative effect with the Proposed Development has been considered and assessed as appropriate to do so.</p> <p>At Deadline 6, following discussion of this matter as ISH7, the Applicant has updated the ES Appendix 13.3 Short List [REP6-028] and its associated figure 13.2 [REP6-027], in addition to providing a technical note on how the landscape cumulative effects have been assessed [REF]. The updated figure highlights the schemes scoped into the cumulative assessment that are solar schemes. The Applicant has considered all of the developments listed by BVAG in its assessment.</p>	Not agreed

Row ID	Topic	BVAG Position	Applicant Position	Status
		<p>7. Whinfield Solar Power already constructed 49.9MW</p> <p>8. Meadow Farm Solar Power &amp; BESS Already constructed.</p> <p>9. Burtree Solar power.</p> <p>10. Additionally a large housing complex Skerning ham is being planned by DBC which at its closest point would potentially be within 800 M of Byers gill Site A.</p> <p>11. A new outer ring road is also being planned by DBC which would run close to the proposed Byers gill site A.</p> <p>Some of these sites are mentioned in the minimal cumulative assessments but many are not included and do not give a full impression of the scale of solar development clustered around the area</p>		
BVAG35	Formal Byers Gill Project Design Risk Assessment	<p>There is no record within the documentation of a comprehensive design risk assessment covering the entire Byers Gill Project. It would be expected on a project of this level to highlight all risks associated with the project the mitigations for those risks and the associated residual risk following successful application of the mitigations. This should also show risks which cannot be mitigated against.</p> <p>Under CDM Regs the Principal Contractor prepares the Construction Phase Health &amp; Safety Plan, which is the next evolutionary step from the Pre Construction Information (PCI) prepared by the Employer (in this case RWE) The responsibility for the Design Risk Assessment does not lie with the Principal Contractor preparing- the Employer and his Principal Designer have responsibility to make sure that recognised and unacceptable risks are designed out of the proposals.</p>	<p>In terms of Design Risk Assessment for the purposes of Construction Design and Management Regulations 2015, this would be carried out by the Principal Contractor on the basis of the detailed design, which would be produced if development consent were to be granted. Safety is embedded into the design as part of the following principles:</p> <ul style="list-style-type: none"> <li>• Access: Access type, width, turning radius, visibility designed to be suitable for the anticipated size of vehicle for construction and also maintenance</li> <li>• Plant layout: Electrical equipment layout in line with manufacturer's guidelines for safe access for maintenance. Flood zone areas avoided to minimise risk of water damage</li> <li>• General clearances across site: Designed to allow safe access for O&amp;M for activities such as grass cutting &amp; panel cleaning</li> </ul>	Not agreed

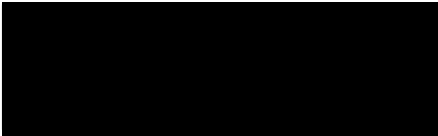
Row ID	Topic	BVAG Position	Applicant Position	Status
			<ul style="list-style-type: none"> <li>• Terrain: Excluded areas of steep terrain that could make access difficult/dangerous</li> </ul> <p>As part of the environmental assessment process, a Major Accidents and Disasters Assessment [APP019] has been carried out to assess the potential for battery fire and damage to existing utilities</p>	
BVAG36	Soil sampling	A detailed and thorough soil sampling and analysis has been carried out by RWE. This only reflects the current status of the agricultural land in question. Local knowledge does not agree with the results of these samples and many areas of the development have historically produced higher grade crops than those identified by the land grading shown in RWE's soil Analysis.	<p>ES Appendix 9.1 Agricultural Land Classifications and Soil Resources [APP-150] provides a summary of the Agricultural Land Classification for each parcel of land which is to be used by the Proposed Development. It confirms that only 6.1% of the total site area includes land considered Best and Most Versatile (BMV), which is Grade 3a and above.</p> <p>As set out in ES Appendix 9.1 [APP-150], the assessment of agricultural land quality was carried out in accordance with relevant Government guidelines and criteria. This is reflected in the Relevant Representation from Natural England [RR-373], with whom the Applicant has engaged during the pre-application period regarding its survey and assessment of the Proposed Development in relation to agricultural land. Natural England has confirmed in its Relevant Representation [RR-373, Key Issue NE6] that it is satisfied that the Proposed Development is <i>'unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations.'</i> The assessment carried out by the Applicant is therefore considered technically valid and appropriate.</p>	Not agreed


## A.1 Record of Engagement

Date	Method of engagement	Purpose / Description
28/04/23	Email exchange	Email from Applicant to update BVAG on consultation start date, following incorrect date being posted by BVAG. Email further stated "I would also like to reaffirm that we would be happy to discuss the project with you at one of our consultation events or attend one of your meetings to discuss the project and provide some further clarity on the concerns that you have raised in regard to the project."
05/06/23	Letter and email	letter in response to BVAG letter dated 10 May
05/23 – 6/23	Statutory consultation	Notification of statutory consultation
09/08/23	Email exchange	BVAG request a meeting, Applicant replies this would be most suitable following a design freeze based on the feedback
26/10/24 – 14/11/23	Email exchange	Email from Applicant requesting to meet to discuss updates before submission, response from BVAG, further response from Applicant
3/11/23	Letter	Letter from BVAG asking for further feedback from consultation and a meeting with the Applicant.
3/11/23	Letter	Letter to outline changes to the design of the Proposed Development and proposed changes to the community benefit fund. Invitation to meet with the Applicant to discuss further
14/11/23	Letter	Applicant response to letter from BVAG
13/12/23	Meeting (in person)	Meeting to discuss design changes, community benefit fund and next steps of DCO application.
08/01/24	Email	Applicant circulates presentation slides from meeting on 13 Dec 23
09/01/24	Email	Applicant responds to email from BVAG confirming the planning application will not be paused
16/02/24	Email	Applicant circulates an attached letter confirming an update on DCO submission to BVAG
04/03/24	Email	Applicant sends follow-up email confirming submission on 9 February
14/03/24	Email	Applicant sends follow-up email confirming application has been accepted for examination on 8 March
25/03/24	Email	Email exchange between Applicant and BVAG confirming the updates to documents being made in the DCO
23/04/23	Meeting (in person)	Meeting with Matt Vickers MP and BVAG representative to discuss the Proposed Development and planning process.
09/05/24	Email	Applicant issues update to Matt Vickers MP and BVAG confirming issues discussed
13/08/2024	Deadline 1	Submission of first draft of SoCG to Examining Authority

17/09/2024	Meeting (in person)	Meeting to discuss draft SOCG
26/09/2024	Email	Exchange of emails in relation to Applicant's proposal for a further meeting with BVAG and Great Stainton parish meeting (GSPM) on design parameters and priority areas for panel rationalisation.
10/10/2024	Meeting (in person)	Meeting with Applicant and GSPM on design parameters and priority areas for panel rationalisation.
04/11/2024	Email	Applicant shared proposed text for Design Approach Document (DAD) on matters relating to design and detailed design.
07/11/2024 14/11/2024	Emails	BVAG provided comment on draft text for DAD and requested inclusion of drawings into the DAD to illustrate priority areas for panel removal. BVAG confirmed landscape SoCG being progressed via its landscape consultant.
25/11/2024	Email	Applicant confirmed that whilst drawings could be included in SoCG, the DAD is not considered appropriate.
04/12/2024 05/12/2024	Emails	BVAG and Applicant exchanged emails on updates to SoCG and next expected iteration. BVAG provided figures for inclusion in SoCG.
13/01/2025	Meeting (virtual)	Meeting between BVAG and the Applicant to discuss outstanding matters in SoCG and agree way forward for resolution or conclusion within SoCG.
14/01/2025 15/01/2025	Emails	BVAG and Applicant exchanged emails on updates to SoCG to provide final positions prior to signing.

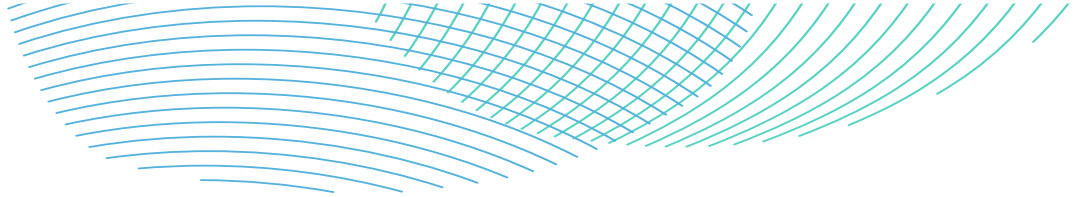
## A.2     Signing Sheet

Signature	
Name	Andrew Philip Anderson
Position	Chartered Town Planner
On behalf of	Bishopton Villages Action Group
Date	17 <sup>th</sup> January 2025

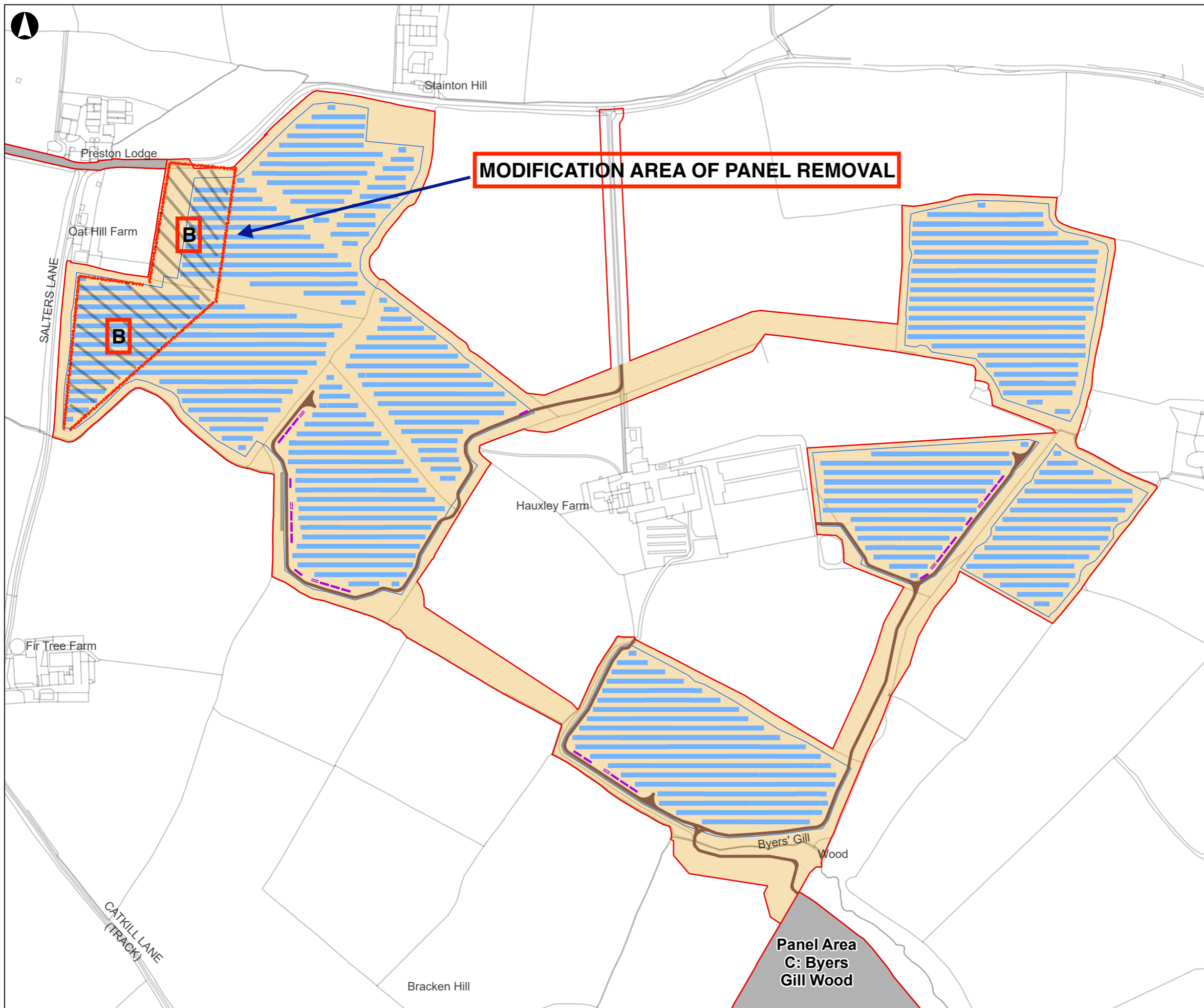
Signature	
Name	Michael Baker
Position	Development Project Manager
On behalf of	RWE
Date	15/01/2025

## A.3 Applicant's Priority Areas (SoCG matter BVAG1)



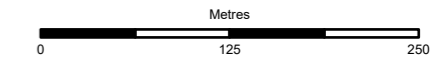


## A.4 BVAG Priority Areas (SoCG matter BVAG1)



- Legend
- Order Limits
  - Other areas of Proposed Development
  - Solar PV modules
  - Operational access tracks
  - Battery Energy Storage Systems, inverters, switchgear, and spare containers
  - Fencing
  - Area for mitigation, planting, and enhancement

Coordinate System: British National Grid  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. LICENCE NUMBER: 0100031673 [2022]



P01	30/01/2024	JE	LM	TS	DB
Rev	Date	By	Chkd	Appd	Authd

Client



Project Name  
**Byers Gill Solar**

Drawing Title  
**Figure 2.4  
General Arrangement Panel Area B**

Scale at A3  
**1:5,000**

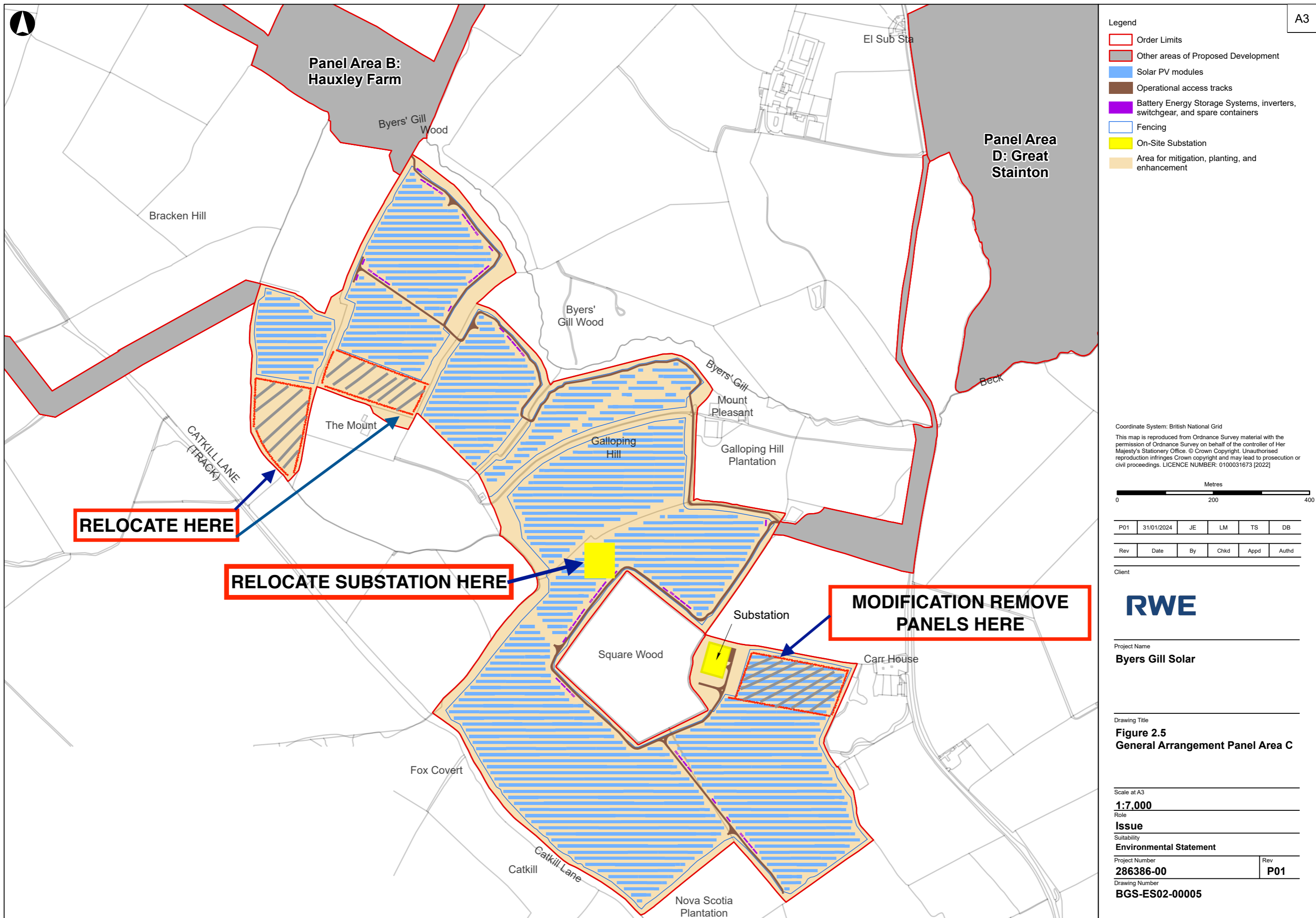
Role  
**Issue**

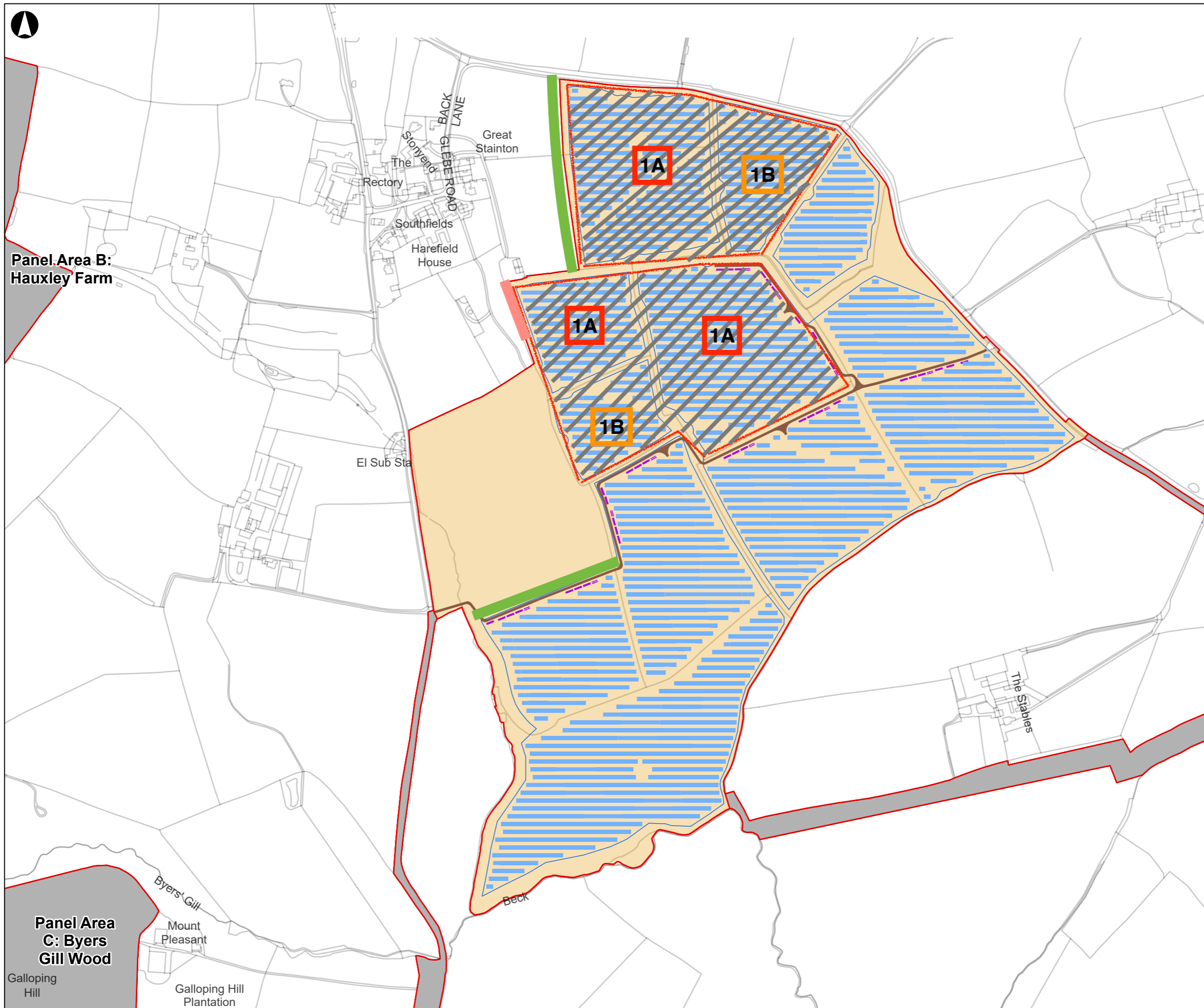
Suitability  
**Environmental Statement**

Project Number  
**286386-00**

Drawing Number  
**BGS-ES02-00004**

Rev  
**P01**





A3

1/30/2024 2:21 PM

Legend

Order Limits

Other areas of Proposed Development

Solar PV modules

Operational access tracks

Battery Energy Storage Systems, inverters, switchgear, and spare containers

Fencing

Area for mitigation, planting, and enhancement

1A

AREAS HIGHLY VISIBLE OR EXTREMELY CLOSE TO VILLAGE

1B

AREAS SIGNIFICANTLY COSE OR HIGHLY VISIBLE

MATURE PLANTING TO FILL GAP IN EXISTING HEDGE

BUNDING & PLANTING

1A

PANEL AREAS TO BE REMOVED

Coordinate System: British National Grid

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. LICENCE NUMBER: 0100031673 [2022]

Metres

0150300

P01	30/01/2024	JE	LM	TS	DB
Rev	Date	By	Chkd	Appd	Authd

Client

RWE

Project Name

Byers Gill Solar

Drawing Title

Figure 2.6  
General Arrangement Panel Area D

Scale at A3

1:6,000

Role

Issue

Suitability

Environmental Statement

Project Number

286386-00

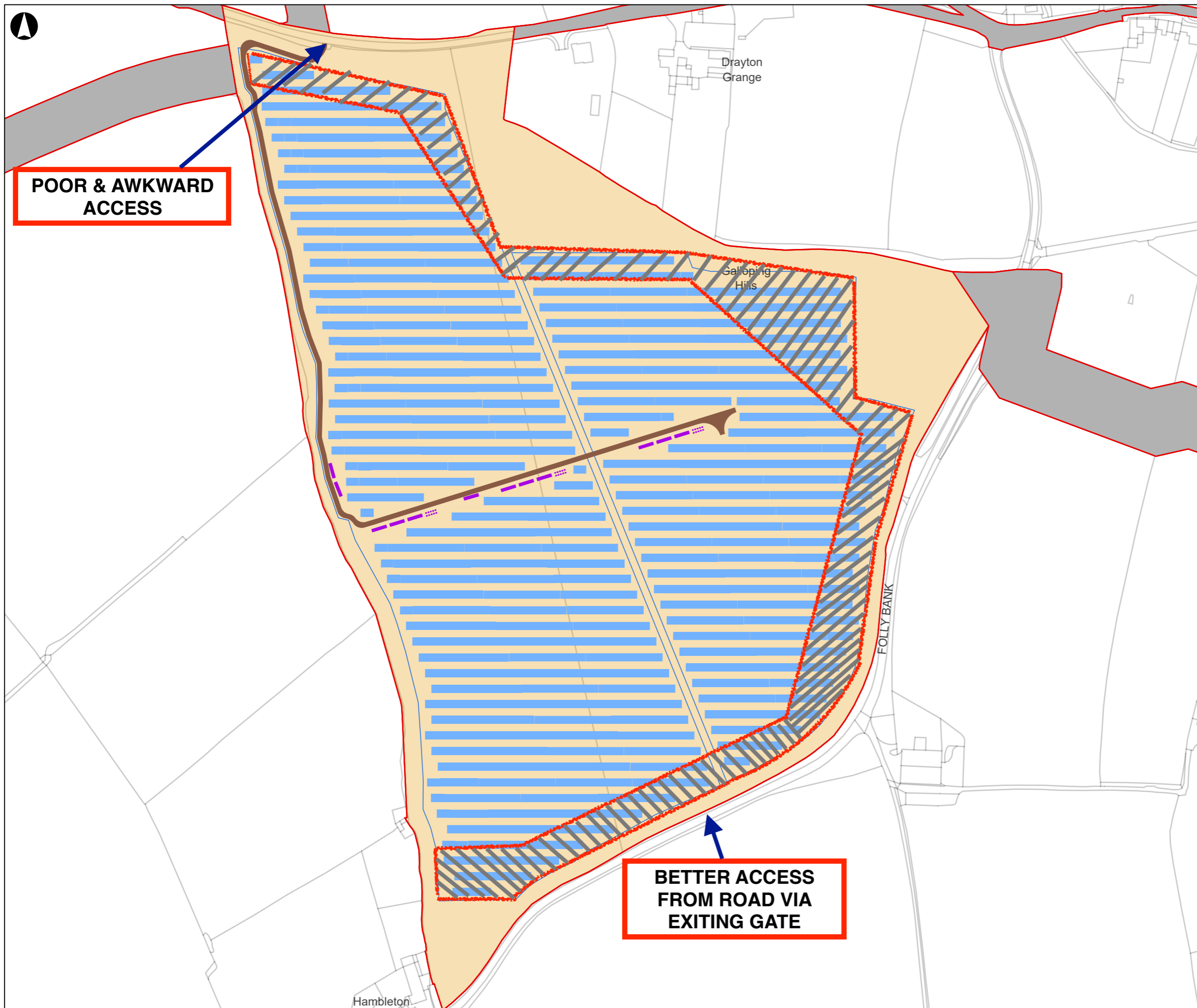
Rev

P01

Drawing Number

BGS-ES02-00006

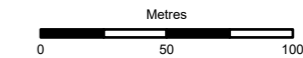
\\global\gis\UK\286000\286386-00 Byers Gill Solar Farm\Workspaces\230816 - Environmental Statement\001 - Environmental Statement v6.aprx



- Legend
- Order Limits
  - Other areas of Proposed Development
  - Solar PV modules
  - Operational access tracks
  - Battery Energy Storage Systems, inverters, switchgear, and spare containers
  - Fencing
  - Area for mitigation, planting, and enhancement

**HATCHED AREA  
SUGGESTED  
MODIFICATION BY  
REMOVAL OF PANELS  
TO REDUCE  
VISIBILITY**

Coordinate System: British National Grid  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. LICENCE NUMBER: 0100031673 [2022]



P01	30/01/2024	JE	LM	TS	DB
Rev	Date	By	Chkd	Appd	Authd

Client



Project Name  
**Byers Gill Solar**

Drawing Title  
**Figure 2.7  
General Arrangement Panel Area E**

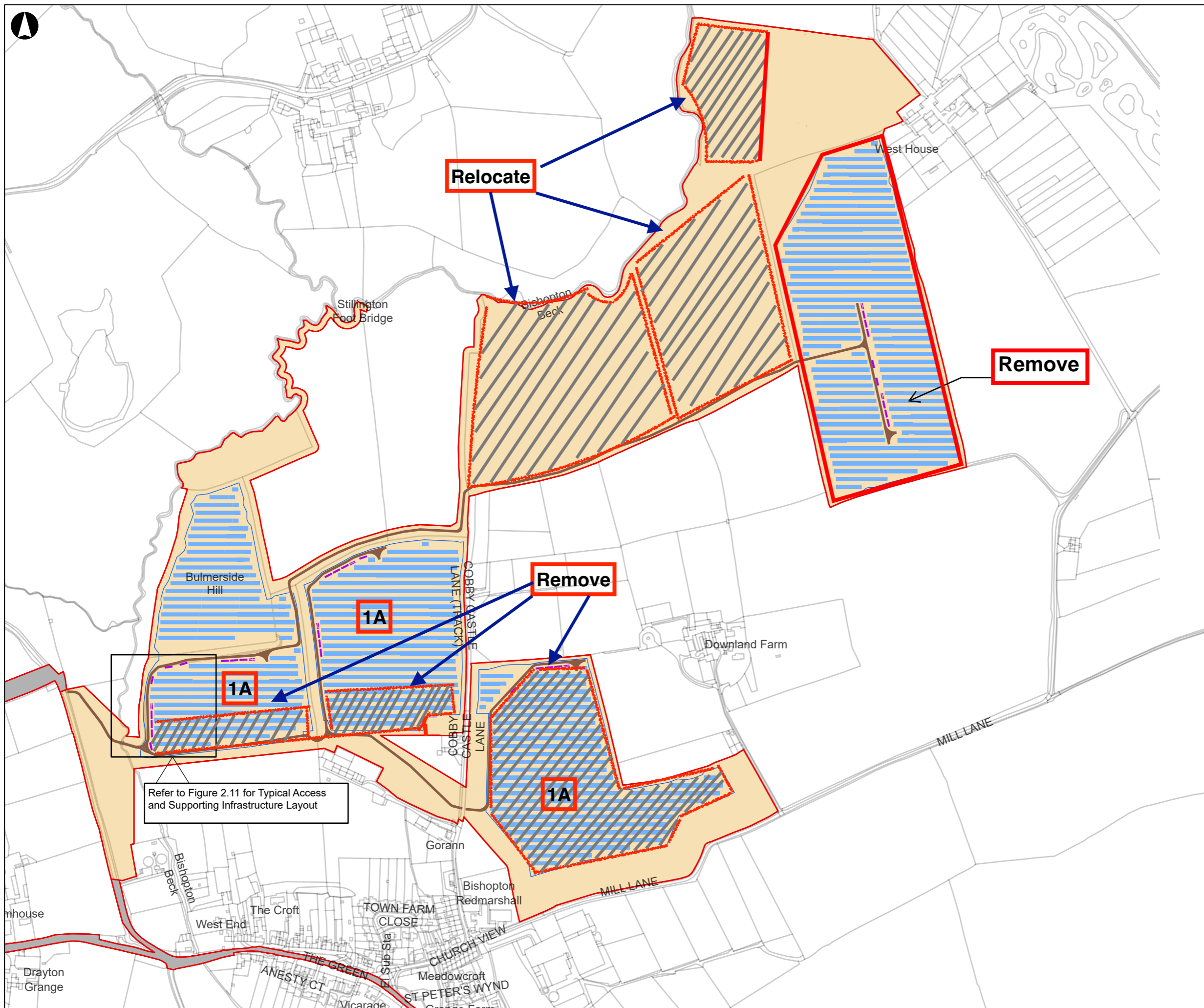
Scale at A3  
**1:3,000**

Role  
**Issue**

Suitability  
**Environmental Statement**

Project Number <b>286386-00</b>	Rev <b>P01</b>
------------------------------------	-------------------

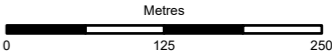
Drawing Number  
**BGS-ES02-00007**



- Legend
- Order Limits
  - Other areas of Proposed Development
  - Solar PV modules
  - Operational access tracks
  - Battery Energy Storage Systems, inverters, switchgear, and spare containers
  - Fencing
  - Area for mitigation, planting, and enhancement

**1A** Panel Areas highly visible from North side of Village

Coordinate System: British National Grid  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office. © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. LICENCE NUMBER: 0100031673 [2022]



P01	30/01/2024	JE	LM	TS	DB
Rev	Date	By	Chkd	Appd	Authd

Client

**RWE**

Project Name  
**Byers Gill Solar**

Drawing Title  
**Figure 2.8  
General Arrangement Panel Area F**

Scale at A3

**1:6,000**

Role

**Issue**

Suitability

**Environmental Statement**

Project Number  
**286386-00**

Drawing Number

**BGS-ES02-00008**

Rev  
**P01**